

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

KENNETH LUCERO

Plaintiff

v.

WAYNE EARLY, et al.

Defendants

Civil Action No.

13-CV-01036-JFM

MOTION TO RE-OPEN CASE

Kenneth Lucero, Plaintiff, by and through undersigned counsel, hereby requests that this case be re-opened, and in support thereof states:

- 1.** This litigation was stayed in light of overlapping issues with Ross v. Early et al., 09-cv-03255-JFM (challenging a buffer zone around the Baltimore First Mariner Arena). Ross was then on appeal to the Fourth Circuit, and thereafter affirmed. A petition for a writ of certiorari will be filed by Monday, June 30th.
- 2.** The Plaintiff filed a joint status report on June 13, 2014, advising the Court that Ross intended to petition the Supreme Court for review, and requesting that this case continue to trail Ross by way of a stay.
- 3.** In light of the status of Ross, this Court did not continue the stay, but closed the case administratively subject to be re-opened by notice of any party.
- 4.** On June 26, 2014, Mr. Ross filed a notice to re-open, consistent with the Court's order. The clerk's office rejected the notice and stated that Mr. Lucero needed to re-open the case by motion. Mr. Lucero now seeks to re-open the case by motion.

5. McCullen v. Coakley, S.Ct. Docket No. 12-1168 (June 26, 2014), decided issues central to Ross and this case. Mr. Lucero does not believe it continues to be necessary or efficient for this case to trail Ross. The decision in McCullen should be dispositive of this case.

6. Per the original motion, which was granted, the Defendants (who accepted informal service of process) were to have 60 days from the lift of any stay to file responsive pleadings (ECF 12 ¶ 4).

WHEREFORE, Mr. Lucero requests that this case be re-opened, with responsive pleadings due 60 days from its re-opening.

Respectfully submitted,

/s/Sean R. Day/s/
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